

U.S. Department of the Interior  
Bureau of Land Management  
White River Field Office  
220 E Market St  
Meeker, CO 81641

## DECISION RECORD

***Entek Focus Ranch Unit 12-1 Road Re-route.***  
**DOI-BLM-CO-N05-2015-0041-CX**

### **Decision**

It is my decision to implement the Proposed Action as described in DOI-BLM-CO-N05-2015-0041-CX, authorizing the construction, operation, and maintenance of the Federal 12-1 access road re-route.

### ***Applicant Committed Design Features***

1. Road will be engineered and the engineered plan will be submitted to the BLM upon final completion of the necessary surveys.
2. Construction, maintenance and reclamation will not be performed when the ground or topsoil is frozen or too wet to adequately support construction equipment. If such equipment creates ruts in excess of four (4) inches deep, the soil will be deemed too wet.
3. The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials, and contact the AO. The AO will inform the operator as to the work needed to determine the following:
  - a. Whether materials appear eligible for the National Register of Historic Places;
  - b. The mitigation measures the operator will likely have to undertake before the site can be used (assuming in site preservation is not necessary); and,
  - c. A timeframe for the AO to complete an expedited review to acquire the State Historic Preservation Officer's concurrence that the findings of the AO are correct and that mitigation is appropriate.

### ***BLM Required Conditions of Approval to Mitigate Impacts to Cultural and Paleontological Resources***

1. The applicant is responsible for informing all persons who are associated with the project that they will be subject to prosecution for knowingly disturbing archaeological sites or for collecting artifacts.

2. If any archaeological materials are discovered as a result of operations under this authorization, activity in the vicinity of the discovery will cease, and the BLM WRFO Archaeologist will be notified immediately. Work may not resume at that location until approved by the AO. The applicant will make every effort to protect the site from further impacts including looting, erosion, or other human or natural damage until BLM determines a treatment approach, and the treatment is completed. Unless previously determined in treatment plans or agreements, BLM will evaluate the cultural resources and, in consultation with the State Historic Preservation Office (SHPO), select the appropriate mitigation option within 48 hours of the discovery. The applicant, under guidance of the BLM, will implement the mitigation in a timely manner. The process will be fully documented in reports, site forms, maps, drawings, and photographs. The BLM will forward documentation to the SHPO for review and concurrence.
3. Pursuant to 43 CFR 10.4(g), the applicant must notify the AO, by telephone and written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), the operator must stop activities in the vicinity of the discovery and protect it for 30 days or until-notified to proceed by the AO.
4. Due to the presence of well-developed soils in the project area, an archaeological monitor will be required during construction of the access road over its entire length.
5. The applicant is responsible for informing all persons who are associated with the project operations that they will be subject to prosecution for disturbing or collecting vertebrate or other scientifically-important fossils, collecting large amounts of petrified wood (over 25lbs./day, up to 250lbs./year), or collecting fossils for commercial purposes on public lands.
6. If any paleontological resources are discovered as a result of operations under this authorization, the applicant or any of his agents must stop work immediately at that site, immediately contact the BLM Paleontology Coordinator, and make every effort to protect the site from further impacts, including looting, erosion, or other human or natural damage. Work may not resume at that location until approved by the AO. The BLM or designated paleontologist will evaluate the discovery and take action to protect or remove the resource within 10 working days. Within 10 days, the operator will be allowed to continue construction through the site, or will be given the choice of either (a) following the Paleontology Coordinator's instructions for stabilizing the fossil resource in place and avoiding further disturbance to the fossil resource, or (b) following the Paleontology Coordinator's instructions for mitigating impacts to the fossil resource prior to continuing construction through the project area.

### ***Mitigation Measures***

1. All vehicles and construction equipment will be cleaned using compressed air or high-pressure water spraying equipment prior to use to reduce the potential for introduction of noxious weeds or other undesirable non-native species. The wash/blow down will concentrate on tracks, feet, or tires and on the undercarriage, with special emphasis on

axles, frame, cross members, motor mounts, and on underneath steps, running boards, and front bumper/brush guard assemblies.

2. An intensive weed monitoring and control program will be implemented beginning the first growing season after interim and final reclamation.
3. Monitoring will be conducted at least annually during the growing season to determine the presence of any state-listed noxious weeds. Noxious weeds that have been identified during monitoring will be promptly treated and controlled. A Pesticide Use Proposal (PUP) will be submitted to BLM for approval prior to the use of herbicides *on public land (surface) only*.
4. The BLM recommended seed mix for interim and final reclamation on the Entek Focus Ranch Unit 12-1 Road Re-route should be as follows. However, for final reclamation it is recommended that mountain sagebrush be substituted in for squirreltail at 0.05 lbs./pls.

<b>Plant Species</b>	<b>Lbs. of Pure Live Seed (PLS)/Acre</b>
Western wheatgrass	2
Slender wheatgrass	2
Bluebunch wheatgrass	2
Mountain brome	1
Squirreltail	1
Western yarrow	0.5
Scarlet globemallow	0.5
Arrowleaf balsamroot	0.5
<b>Total</b>	<b>9.5</b>

- Final seedbed preparation will consist of contour cultivating to a depth of 4 to 6 inches within 24-hours prior to seeding.
  - Seed Application, seeding will be conducted no more than 24 hours following completion of final seedbed preparation.
  - The application rate shown in the table is based on 45 pure live seeds (PLS) per square foot, drillseeded to a depth of 0.25 to 0.5 inch. (However, brush species will be seeded during the winter on the ground surface or preferably on top of snow.) In areas that will not be drill-seeded, the seed mix will be broadcast-seeded at twice the application rate shown in the table and covered 0.25 to 0.5 inch deep with a harrow or drag bar or will be broadcast-seeded into imprints, such as fresh dozer cleat marks.
  - No seeding will occur from May 15 to September 15. Fall seeding is preferred and will be conducted after September 15 and prior to ground freezing. Spring seeding will be conducted after the frost leaves the ground and no later than May 15.
5. All seed tags will be submitted via Sundry Notice (SN) to the designated Natural Resource Specialist within 14 calendar days from the time the seeding activities have ended. The SN will include the purpose of the seeding activity (i.e., seeding well pad, cut and fill slopes, seeding pipeline corridor, etc.). In addition, the SN will include the road identification number associated with the seeding activity, if applicable, the name of the

contractor that performed the work, his/her phone number, the method used to apply the seed (e.g., broadcast, hydro-seeded, drilled), whether the seeding activity represents interim or final reclamation, the total acres seeded, an attached map that clearly identifies all disturbed areas that were seeded, and the date the seed was applied.

6. Actions would be taken by the proponent to ensure that reclamation standards are met as quickly as reasonably practical. Reclamation monitoring would be documented in an annual reclamation report submitted to the Authorized Officer (AO) by December 31. Any time 30% or more of a reclaimed area is re-disturbed, monitoring would be reinitiated. A self-sustaining, vigorous, diverse, native plant community would be established on the site, with a density sufficient to control erosion and non-native plant invasion and able to reestablish wildlife habitat or forage production. At a minimum, the established plant community would consist of species included in the seed mix and/or desirable species occurring in the surrounding natural vegetation. No single species would account for more than 30% total vegetative composition unless it is evident at higher levels in the adjacent landscape. Permanent vegetative cover would be determined successful when the basal cover of desirable perennial species is at least 80% of the basal cover of the adjacent undisturbed area.
7. No surface disturbing activities attributable to the proposed project may be conducted from March 1 to June 30 in order to avoid disrupting Columbian sharp-tailed grouse nesting and early brood-rearing functions.
8. No surface disturbing activities attributable to the proposed project may be conducted from March 1 to June 30 in order to avoid disrupting greater sage-grouse nesting and early brood-rearing functions.
9. Routine, schedulable, and non-emergency use of the proposed access road over the life of the well would be confined on a daily basis to the hours after 9am and prior to 4pm during the Columbian sharp-tailed and greater sage-grouse lekking season (March 1 to May 31).

### **Compliance with Laws & Conformance with the Land Use Plan**

This decision is in compliance with the Endangered Species Act and the National Historic Preservation Act. It is also in conformance with the 1997 White River Record of Decision/Approved Resource Management Plan.

### **Public Involvement**

This project was posted on the WRFO's on-line National Environmental Policy Act (NEPA) register on March 3, 2015. No comments or inquiries have been received.

### **Rationale**

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with Section 390 of the Energy Policy of 2005. Current access to this existing well has been blocked at the private surface when the previous Surface Management Agreement was no longer valid. This well has been in Temporarily

Abandoned (TA) status since. This access re-route, based on a 10<sup>th</sup> Circuit Court Decision, would allow access to this well; which would allow for the operator to determine if the well is still a potential producer, or if it will need to be plugged and abandoned followed by final reclamation.

### **Monitoring and Compliance**

On-going compliance inspections and monitoring of drilling, production, and post-production activities will be conducted by White River Field Office staff during construction of well pads, access roads, and pipelines. Specific mitigation developed in the associated Categorical Exclusion and the lease terms and conditions will be followed. The Operator will be notified of compliance related issues in writing, and depending on the nature of the issue(s), will be provided 30 days to resolve such issues.

### **Administrative Remedies**

There are different administrative remedy processes for authorizations issued under the authority of 43 CFR 3100 (on-lease oil and gas development) or 43 CFR 2800 (rights-of-way).

#### ***On-Lease or On-Unit Activities***

##### State Director Review

Under regulations addressed in 43 CFR 3165.3(b), any adversely affected party that contests a decision of the Authorized Officer may request an administrative review, before the State Director, either with or without oral presentation. Such request, including all supporting documentation, shall be filed in writing with the BLM Colorado State Office at 2850 Youngfield Street, Lakewood, Colorado 80215 within 20 business days of the date such decision was received or considered to have been received. Upon request and showing of good cause, an extension may be granted by the State Director. Such review shall include all factors or circumstances relevant to the particular case.

##### Appeal

Any party who is adversely affected by the decision of the State Director after State Director review, under 43 CFR 3165.3(b), of a decision may appeal that decision to the Interior Board of Land Appeals pursuant to the regulations set out in 43 CFR Part 4.

### **Signature of Authorized Official**



Field Manager



Date